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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/828,748	04/20/2004	John P. Jaaska SR.	10541-1837	5473

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VISTEON
C/O BRINKS HOFER GILSON & LIONE
PO BOX 10395
CHICAGO, IL 60610

EXAMINER

GARRETT, ERIKA P

ART UNIT	PAPER NUMBER
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3636

DATE MAILED: 03/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/828,748

Applicant(s)

JAASKA, JOHN P.

Examiner

Erika Garrett

Art Unit

3636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4/20/04</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Election/Restrictions

This application contains claims directed to the following patentably distinct species of the claimed invention: species I figures 1-4 and species II figures 5-6.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, at least claim 1 is generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over

the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

During a telephone conversation with John Beaupre on 3/17/05 a provisional election was made with traverse to prosecute the invention of figures 1-4, claims 1-20. Affirmation of this election must be made by applicant in replying to this Office action.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Lain (5,179,447). In regards to claims 1 and 10, Lain discloses the use of an armrest adapted to be pivotally mounted on an armrest support disposed between an adjacent pair of rear vehicle seats, the armrest comprising a elongated base (16) having a frame (16e) defining a first end and a second end, an upper surface, and a padded lower surface, wherein the first end of the base is adapted to be pivotally mounted on the armrest support (12); and a elongated lid (22) having a frame defining a first end and a second end, a lower surface, and a padded upper surface, wherein the first end of the lid is pivotally mounted on the base proximate to the second end of the base for movement between a closed position and an open position, the closed position being characterized in that the lower surface of the lid overlies at least a portion of the upper

surface of the base proximate to the second end of the base, and the open position being characterized by a predetermined nonzero angle defined between the lower surface of the lid and the upper surface of the base, wherein the lower surface of the lid is defined at least in part by a video display screen (24). In regards to claim 2, wherein the lid pivotally supports the video display screen for pivoting movement about a generally-horizontal first screen axis when the lid is in the open position. In regards to claim 3, wherein the lid further supports the video display screen for pivoting movement about a second screen axis (see inserted drawing) generally normal to the first screen axis when the lid is in the open position. In regards to claims 4 and 18, wherein the lid substantially overlies the entire upper surface of the base. In regards to claim 5, wherein movement of the lid about the second pivot axis to the open position is limited by engagement of an end portion of the lid, proximate to the first end of the lid, with an end portion of the base, proximate to the second end of the base. In regards to claim 6, wherein the base houses a video source accessible from the upper surface of the base. In regards to claim 8, wherein one of the base and lid houses an infrared transmitter for transmitting audio signals to a remote infrared receiver, see figure 4c,4d. In regards to claim 9, wherein one of the base and lid houses an infrared receiver for receiving control signals (16b) from a remote infrared transmitter. In regards to claim 11, wherein the base houses a video source that is electrically connected to the video display screen. In regards to claim 13, wherein the video source includes an exposed slot adapted to receive electronic media, figure 4d. In regards to claim 14, wherein the frame of the lid pivotally supports the video display screen for pivoting movement about a

second pivot axis generally parallel to the first pivot axis. In regards to claim 15, wherein the frame of the lid further supports the video display screen for pivoting movement about a third pivot axis generally normal to the second pivot axis. In regards to claim 16, wherein movement of the lid about the first pivot axis to the open position is limited by engagement of an end portion of the lid, proximate to the first end of the lid, with an end portion of the base, proximate to the second end of the base. In regards to claim 17, wherein a first portion of the upper surface of the base proximate to the first end of the base is padded. In regards to claim 19, wherein one of the base and lid houses an infrared transmitter for transmitting audio signals to a remote infrared receiver. In regards to claim 20, wherein one of the base and lid houses an infrared receiver for receiving control signals from a remote infrared transmitter.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lain in view of Troy (5,556,017). Lain shows the use of all the claimed invention but fails to show the use of a recess portion complementary to the raised portion of the upper surface of the base. Troy teaches the use of a recess portion in the upper surface of the base, figure 3.

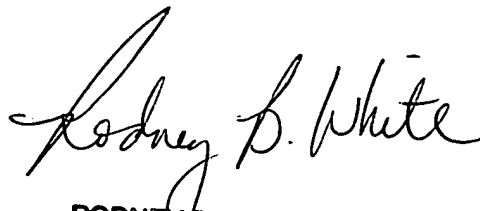
Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the state of the art with respect to entertainment system in an armrest: U.S Pat. No. US005516191A, US005195709A, US005562331A, US005222780A, US006547323B1, US006179263B1, US005547248A, US005271590A, US005853220A, 4946120, 5775771, 5076524, 5000511, 4779923, US005316369A and 5667179.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erika Garrett whose telephone number is 703-605-0758 or 571-272-6859. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EG
March 21, 2005


RODNEY B. WHITE
PRIMARY EXAMINER

